

### **REMARKS/ARGUMENTS**

The present communication responds to the Office Action dated December 2, 2003. In that communication, the Examiner finalized her restriction of species B and E, objected to the drawings, rejected claim 15 under 35 U.S.C. §102(b), and rejected claims 16, 17, and 20-24 under 35 U.S.C. §103(a). In this response, the applicant has canceled the previously pending claims and added new claims 28-75.

#### **Restriction Requirement**

The Examiner finalized the restriction between species B and E, noting that applicant traversed the restriction by indicating that there was no distinction between species B and E. The Examiner responded saying "This is not found persuasive because the examiner has elected the groups form [sic] the applicants [sic] own grouping, since the applicant refers to them as different species the examiner has group [sic] them separately." The applicant respectfully notes that the applicant has never referred to species B and E as different species only referring to the species at all in the response, dated October 15, 2003, to the original restriction requirement, requiring election of one of the species classified by the Examiner. In that response, the Applicant stated: "In response to the Restriction Requirement dated September 24, 2003, in which the Examiner identified five (5) species, Applicant elects the invention identified as Group B. This election is being made with traverse in order to advance the prosecution of the application. Applicant traverses at least on the basis that there appears to be no distinction between the Examiner's species B and E." The Examiner identified Species B as "indicator actuated by the needle protection sleeve." The Examiner identified Species E as "indicator actuated, the needle protection sleeve does not first act via one or more transfer member, but directly on the indicator." Each of these statements describes the indicator being actuated directly by the needle protection sleeve.

#### **Objection to the Drawings under 37 CFR §1.83(a)**

The Examiner objected to the drawings under 37 CFR §1.83(a), noting that the drawings must show ever feature of the invention specified in the claims. The Examiner asserted that the context of claim 16 must be shown or the feature(s) canceled from the claim. It is unclear to

what element of claim 16 the Examiner is referring. In any event, the applicant has canceled claim 16 and believes that the elements recited in new claims 28-75 are shown in the drawings.

Rejections Under 35 U.S.C. §102 and 35 U.S.C. §103

Claim 15 was rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent 5,873,856 (Hjertman et al.). Claims 16, 17, 20-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hjertman et al. as applied to claim 1 (the Applicant assumes the Examiner meant as applied to claim 15), and further in view of U.S. Patent 6,287,283 (Ljunggreen et al.).

The applicant addressed rejections corresponding to the above rejections in the amendment accompanying the Request for Continued Examination, dated July 9, 2003. Since it appeared from the December 2, 2003 Action that the Examiner had not considered the arguments made by the applicant, the applicant's representative conducted a telephonic interview with the Examiner on February 10, 2004. In that interview, the Examiner explained that while she had not previously considered the arguments, she felt that, in light of the arguments, amended claims could be allowed. New claims 28-75 are thus submitted.

The above amendments generate additional claim fees, and a Petition for Extension of Time (for one month) is being submitted herewith. A check for both fees is enclosed. The Commissioner is authorized to charge any deficiencies and credit any overpayments with respect to this communication or the Petition to Deposit Account No. 04-1420.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP  
Customer Number 25763

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By:

David E. Bruhn

David E. Bruhn (Reg. No. 36,762)  
Intellectual Property Department  
Suite 1500, 50 South Sixth Street  
Minneapolis, MN 55402-1498  
(612) 340-6317